

KENTUCKY BOARD OF DENTISTRY

LAW ENFORCEMENT COMMITTEE MEETING

February 8, 2008

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Allen to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Boggess seconded the motion. All were in favor. A motion was made by Dr. Boggess to come out of closed session. Dr. Allen seconded the motion. All were in favor. A motion to adjourn was made by Dr. Allen. Dr. Boggess seconded the motion. The committee meeting adjourned at 5:00 p.m.

LAW ENFORCEMENT COMMITTEE MEETING

March 14, 2008

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Boggess to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Allen seconded the motion. All were in favor. A motion was made by Dr. Allen to come out of closed session. Dr. Boggess seconded the motion. All were in favor. A motion to adjourn was made by Dr. Allen. Dr. Boggess seconded the motion. The committee meeting adjourned at 5:30 p.m.

BOARD MEETING

March 22, 2008

CALL TO ORDER: President David Narramore, D.M.D. called the meeting to order at 9:05 a.m.

Roll Call: Present Board members were David Narramore, D.M.D.; Chris Babcock, D.M.D., M.D.; Dianne Embry, R.D.H.; Jim Allen, D.M.D.; Julie Gaskill, D.D.S.; Greg Vance, D.M.D.; and Michael Slone, Public Member. Staff present were: Lisa Turner, Interim Executive Director; Sylvester Gurnell, Executive Secretary; Megan Allen, Temporary Employee; Mark Brengelman, Board Counsel; and Cheryl Neff, Special Counsel.

VISITORS

Brian Fingerson, R.Ph.

APPROVAL OF MINUTES

Dr. Allen motioned that the Minutes of the November 10, 2007 Board Meeting be accepted, as amended. Dr. Narramore seconded the motion. All were in favor.

COMMITTEE REPORTS

Well-Being Committee

Mr. Fingerson presented the Well-Being Committee Report to the Board. Mark Brengelman provided additional information regarding an immediate temporary suspension having been issued in Agency Case No. 08-30.

Credentials Committee

Dr. Gaskill motioned that a dental hygiene license by credentials be issued to Rhonda Cupp, R.D.H. Dr. Babcock seconded the motion. All were in favor.

Dr. Gaskill motioned that a dental hygiene license by credentials be issued to Patricia Keith, R.D.H. Dr. Babcock seconded the motion. All were in favor.

Dr. Gaskill motioned that a dental hygiene license by credentials be issued to Laura Kelley, R.D.H. Dr. Babcock seconded the motion. All were in favor.

Dr. Gaskill motioned that a dental hygiene license by credentials be issued to Kathy Wallace, R.D.H.

Dr. Babcock seconded the motion. All were in favor.

Dr. Gaskill motioned that a dental license by credentials be issued to Dr. Kushal Bhardwaja.

Dr. Babcock seconded the motion. All were in favor.

Dr. Gaskill motioned that a dental license by credentials be issued to Dr. Tony Peterson. Dr. Babcock seconded the motion. All were in favor.

Law Enforcement Committee

Dr. Allen motioned that the closed case report be accepted. Dianne Embry seconded the motion. All were in favor.

07-145 Dr. Allen moved to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

07-15 Dr. Allen moved to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

07-67, 107 The Law Enforcement Committee moved to accept the Settlement Agreement. Dr. Vance seconded the motion. Dr. Allen and Dr. Babcock recused themselves from the vote because they were part of the Law Enforcement Committee. The vote failed 3-1.

07-41A & B Dr. Allen made a motion to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss pending litigation and an adjudication on an individual licensee in the matter of Kentucky Board of Dentistry v. Todd Kolter, D.M.D. Dianne Embry seconded the motion. All were in favor. Cheryl Neff left the room. Diane Embry made a motion to come out of closed session. Michael Slone seconded the motion. All were in favor. Dr. Vance moved to accept the Recommended Order for Default of Judgment as a Final Order, with the temporary suspension to continue with various conditions. Michael Slone seconded the motion. All were in favor.

08-13 The Law Enforcement Committee moved to file a Notice of Administrative Hearing and Order. Dr. Vance seconded the motion. All were in favor.

08-35(A) – (J) The Law Enforcement Committee moved to file a Notice of Administrative Hearing and Order for these dentists who were deficient on their continuing dental education for the 2006-2007 renewal cycle.

07-168 Dr. Allen moved to file a Notice of Administrative Hearing and Order. Dr. Babcock seconded the motion. All were in favor.

Dianne Embry is available and volunteered to serve as a Hearing Panel of the Board for an administrative hearing to be heard at the Board on May 22nd and 23rd. Other Board members may also be available, and may notify Ms. Turner appropriately. Board member availability and assignment to a Hearing Panel for an administrative hearing to be heard at the Board on May 5th and 6th is still pending.

Newsletter Committee

Dianne Embry moved to approve the Newsletter in the format given. Michael Slone seconded the motion. All were in favor.

Executive Director Search Committee

Interviews will be held April 21, 2008 from 8am-2pm at the Board of Dentistry. Approximately 12 candidates will be interviewed. The top three candidates will interview in front of the whole Board on May 17, 2008.

Legislation Committee

Dr. Narramore reported on issues involving proposed language regarding amending KRS 313.130 to include the ability of the Board to issue a monetary fine. A sponsor is being sought for that bill and the expungement bill that would amend KRS 313.600.

Interim Executive Director's Report

Ms. Turner informed the Board about the budget bill funds transfer. Dr. Babcock moved to have Dr. Narramore draft a position letter to send to the appropriate people in the House and Senate and to the Governor strongly opposing the transfer of funds from the Board. Dr. Allen seconded the motion. All were in favor.

Ms. Turner reviewed the agency budget for the 1st, 2nd, and 3rd quarters of fiscal year of 2008, with favor and approval from the Board.

Ms. Turner reviewed the National Board Examinations dates and locations.

Ms. Turner reviewed 2008 Board Elections – May 2008 – Kentucky Dental Association Annual Meeting. Dr. Narramore requested that Ms. Turner seek information on the possibility of online voting.

Anesthesia Committee

Dr. Babcock informed the Board that the meeting set with Mark Reams, D.M.D., an applicant for a permit, is postponed.

Dr. Babcock informed the Board that the review of the newly revised ADA Anesthesia Guidelines will take several months to determine what, if any, amendments to 201 KAR 8:390 may be appropriate, and Dr. Sleet will discuss changes needed to be made to this administrative.

Correspondence from the American Dental Society of Anesthesiology regarding new guidelines will be reviewed and considered at a later date.

Old Business

New Business

Dr. Allen informed the Board that he has asked Cheryl Neff and Mark Brengelman to look into the Louisville Yellow Pages and advertisement of “Cosmetic Dentists” and “Denturists”. Mr. Brengelman advised that the Board should follow its usual procedures to compel any dentist whose advertisement appears in violation of KRS Chapter 313 to change his/her offending advertisement.

Reviewed and considered correspondence from Shelia Arms from Anthem Blue Cross Blue Shield requesting an opinion whether it is within the scope of general dentistry for injections administered for pain management to injection sites which are not associated with muscles of mastication. Lisa Turner will draft a letter in response.

Reviewed and considered correspondence from Kristi Ose, R.D.H. requesting hardship approval to use only online courses to meet 2007-2008 CE requirements. Dianne Embry moved to approve request to allow all CE credits to be earned under Category C. Dr. Vance seconded the motion. All were in favor.

Reviewed and considered request from Bruce Haskell, D.M.D., Ph.D. for:

Official Ruling regarding laser therapy on orthodontic patients for minor adjunct therapy and whether orthodontists can code and charge for these procedures in a conventional manner; and Reconsideration of applicable statutory authority to grant privileges to Dr. Brodksy (previously denied application for a Temporary Charitable license after determination his was not a charitable purpose).

Lisa Turner will draft a letter in response.

Reviewed and considered materials submitted for request from Aaron M. Vickers to accept CITA exam. Dr. Narramore will provide a draft of the response to Lisa Turner, who will draft a final response.

Reviewed and considered multiple communications regarding requests on behalf of Remote Area Medical Volunteer Corp, for the Board to waive the requirements under KRS 313.254 for a temporary charitable license (request to waive filling out an application, \$25 application fee and requirement to provide verification of licensure from their State Board). Lisa Turner will draft response letters for Dr. Narramore's approval, to be copied to the Governor.

Reviewed correspondence from AADE requesting nominees for Citizen of the Year, due June 1, 2008.

Mark Brengelman filed his written report on his attendance at the AADE Board Attorneys' Roundtable in Chicago March 9-10, with approval from the Board.

Dr. Narramore informed the Board that a representative needs to be sent to ADEX in Orlando, FL in June of 2008. Board consensus was that Dr. Narramore should attend.

Dr. Narramore informed the Board that a representative needs to be sent to the Western Regional Exam meeting in July of 2008. The July Board meeting will be changed to July 19, 2008 to avoid conflicts.

There being no further business, Dr. Vance motioned to adjourn at 1:53 p.m., Dianne Embry seconded the motion. All were in favor.

APPROVED:

David Narramore, D.M.D.
President

Chris Babcock, D.M.D., M.D.
Vice President